



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 3, 1992

Mr. Mark E. Dempsey  
Assistant City Attorney  
City of Garland  
P. O. Box 469002  
Garland, Texas 75046-9002

OR92-581

Dear Mr. Dempsey:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 17143.

The Garland Police Department (the department) has received an open records request for a tape recording of the police radio communications pertaining to a particular arrest. You contend that the requested tape recording comes under the protection of section 3(a)(8) of the Open Records Act because the offenses are currently pending before the Garland Municipal Court.

Whether information is protected by section 3(a)(8) depends on whether release of the information would undermine a legitimate law enforcement or prosecution interest. Open Records Decision No. 434 (1986). *See also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You have not demonstrated that the release of the information at issue here would do so. Open Records Decision No. 394 (1983) (information contained in police radio dispatch logs is no different from the type of information held disclosable in Open Records Decision No. 127 (1976)). Absent such a showing, the department must release the tape recording in its entirety.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with

a published open records decision. If you have questions about this ruling, please refer to OR92-581.

Yours very truly,

A handwritten signature in cursive script, reading "Celeste A. Baker".

Celeste A. Baker  
Assistant Attorney General  
Opinion Committee

CAB/RWP/lmm

Ref.: ID# 17143

cc: Mr. Michael D. Hill  
WFAA-TV 8  
Communications Center  
606 Young Street  
Dallas, Texas 75202-4810